

25 EX  
ORIGINAL



BEFORE THE ARIZONA CORPORATION COMMISSION

DOCKETED

2001 MAY -2 A 8:36

WILLIAM A. MUNDELL  
CHAIRMAN  
JIM IRVIN  
COMMISSIONER  
MARC SPITZER  
COMMISSIONER

MAY 02 2001

DOCKETED BY

sd

AZ CORP COMMISSION  
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF  
STERLING TIME COMPANY FOR A  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE COMPETITIVE  
RESOLD INTEREXCHANGE  
TELECOMMUNICATIONS SERVICES

DOCKET NO. T-03947A-00-0806

**PROCEDURAL ORDER**

**BY THE COMMISSION:**

On October 12, 2000, Sterling Time Company ("Applicant" or "Sterling") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide competitive resold interexchange telecommunications services as a reseller within the State of Arizona.

Pursuant to Commission rules, Applicant is required to publish notice of its filing in newspapers in all counties where service is to be provided. The record shows that Applicant has not filed a Notice of Filing Affidavits of Publication that would indicate compliance with the publishing requirement.

On October 20, 2000, Commission Staff ("Staff") sent a letter to Sterling's attorney indicating that Staff needed additional information to process the application.

On November 20, 2000 Staff received a reply from Sterling's attorney.

On April 25, 2001, Staff filed a Staff Report recommending approval of Sterling's application subject to some conditions.

Pursuant to A.R.S. § 40-282, the Commission may act on an application for a Certificate to provide resold telecommunications services without a hearing, or with a hearing if one is requested by any party.

Pursuant to A.A.C. R14-2-1106 and R14-2-1108, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that Sterling shall file with the Commission written

1 exceptions, if any, to the Staff Report and any request for hearing on or before **July 5, 2001**.

2 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-2-105,  
3 except that all motions to intervene must be filed on or before **July 5, 2001**.

4 IT IS FURTHER ORDERED that Sterling shall publish notice, as stated below, in  
5 newspapers in every county in Arizona in which Sterling desires to provide service on or before **May**  
6 **25, 2001**:

7 **NOTICE OF APPLICATION FOR A CERTIFICATE**  
8 **OF CONVENIENCE AND NECESSITY TO PROVIDE COMPETITIVE RESOLD**  
9 **INTEREXCHANGE TELECOMMUNICATIONS SERVICES BY**  
10 **STERLING TIME COMPANY**

11 Sterling Time Company ("Applicant") has filed with the Arizona Corporation  
12 Commission ("Commission") an application for a Certificate of Convenience and  
13 Necessity ("Certificate") to provide competitive resold interexchange  
14 telecommunications services in the State of Arizona. Applicant will be required by the  
15 Commission to provide this service under the rates and charges and terms and conditions  
16 established by the Commission.

17 A.R.S. § 40-282 provides that the Commission may act on an application for a  
18 Certificate to provide resold telecommunications services without a hearing, or with a  
19 hearing, if one is requested by any party. Applicant or any other party must request a  
20 hearing by July 5, 2001, or the Commission will rule on the application without a  
21 hearing.

22 The application, report of the Commission's Utilities Division Staff, and any  
23 written exceptions to the staff report prepared by the applicant are available for  
24 inspection during regular business hours at the offices of the Commission located at 1200  
25 West Washington Street, Phoenix, Arizona 85007, and at Applicant's address, [list  
26 Sterling's address where such documents can be viewed].

27 Under appropriate circumstances, interested parties may intervene in the  
28 proceedings and participate as a party. Intervention shall be in accordance with A.A.C.  
R14-3-105, except that all motions to intervene must be filed on or before July 5, 2001.  
You may have the right to intervene in the proceeding, or you may make a statement for  
the record. If you have any comments, mail them to:

The Arizona Corporation Commission  
Attention Docket Control  
re: Sterling Time Company  
T-03947A-00-0806  
1200 West Washington Street  
Phoenix, Arizona 85007

All comments should be received by July 5, 2001.

If you have any questions about this application or have any objections to its  
approval, you may contact the Consumer Services Section of the Commission at 1200  
West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

1 The Commission does not discriminate on the basis of disability in admission to  
2 its public meetings. Persons with a disability may request a reasonable accommodations  
3 such as sign language interpreter, as well as request this document in an alternative  
4 format, by contacting Shelley Hood, ADA Coordinator, voice phone number 602/542-  
5 0838, E-Mail shood@cc.state.az.us. Requests should be made as early as possible to  
6 allow time to arrange the accommodation.

7 IT IS FURTHER ORDERED that Sterling shall file with the Commission Affidavits of  
8 Publication indicating that it has published notice pursuant to Commission rules on or before **June 8,**  
9 **2001.**

10 IT IS FURTHER ORDERED that the failure of Sterling to comply with any or all of the  
11 Ordering paragraphs set forth in this Procedural Order within the timeframes specified may result in  
12 the denial of Sterling's application.

13 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended  
14 pursuant to Rule 6(a) or (e) of the Arizona Rules of Civil Procedure.

15 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend or waive  
16 any portion of this Procedural Order by subsequent Procedural Order or by ruling at hearing.

17 DATED this 7<sup>th</sup> day of May, 2001.

18   
19 PHILIP J. DION III  
20 ADMINISTRATIVE LAW JUDGE

21 Copies of the foregoing mailed  
22 This 7<sup>th</sup> day of May, 2001 to:

23 Lance J.M. Steinhart  
24 6455 East Johns Crossing  
25 Suite 285  
26 Duluth, GA 30097  
27 Attorney for Sterling Time Company

28 Scott Aadal  
STERLING TIME COMPANY  
5701 Hollywood Boulevard, Suite A  
Hollywood, FL 33021

1 Christopher Kempley, Chief Counsel  
2 ARIZONA CORPORATION COMMISSION  
3 Legal Division  
4 1200 West Washington  
5 Phoenix, AZ 85007

6 Deborah Scott, Director  
7 Utilities Division  
8 ARIZONA CORPORATION COMMISSION  
9 1200 West Washington Street  
10 Phoenix, Arizona 85007

11 By:



12 Debbi Person  
13 Secretary to Philip J. Dion III  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28